

Notice of Allowability	Application No.	Applicant(s)	
	10/767,359	KWON, SUNG-YUN	
	Examiner	Art Unit	
	Catherine S. Williams	3763	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to After Final dated 5/19/06.
2. ☒ The allowed claim(s) is/are 30-39 and 43-45.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Roberta L. Robbins on 6/7/06.

The application has been amended as follows:

In the claims:

In claim 30 line 5 after "a solid matrix material" and before "that", --without channels or passageways—has been inserted.

In claim 30 line 5 "can be" has been replaced with --are--.

In claim 30 line 5 after "dissolved" and before "in the tissue", --by a solvent—has been inserted.

In claim 30 line 8 "a solvent" has been replaced with --the solvent--.

In claim 30 line 8 "effective to" has been replaced with --that--.

In claim 30 line 8 "dissolve" has been replaced with --dissolves--.

In claim 30 line 8 after "the" and before "matrix material", --solid—has been inserted.

In claim 39 line 5 after "matrix material" and before "into the tissue", --without channels or passageways-- has been inserted.

Allowable Subject Matter

Claims 30-39 and 43-45 are allowed.

The following is an examiner's statement of reasons for allowance:

The prior art fails to teach a system or method for delivering a substance into tissue that includes, inter alia, a plurality of micro-perforators formed from a solid matrix material without channels or passageways comprised of either a polymer or a carbohydrate derivative that are dissolved by a solvent in the tissue to form channels for delivering a substance into the tissue in combination with a reservoir, including the solvent, that dissolves the matrix upon contact with the solvent over a time interval between a few tens of seconds and a few hours after the micro-perforators have been inserted into the patient's body.

The prior art most similar is to Lastovich (USPN 6,440,096), Melone (USPN 3,596,660) and Park (2002/0082543). Lastovich teaches perforators with a central passage that contains the drug to be dissolved. See 7:13-24. Conversely, the instant claims recite a solid matrix material without channels or passageways. Additionally, Melone teaches a coating of drug on a perforator but does not teach a reservoir containing a solvent that dissolves the matrix material upon contact over a time period of a few tens of seconds and a few hours. Park teaches micro-perforators that contain a drug and degrade within the body. Park also teaches a reservoir in addition to the micro-perforators. However, Park does not teach a reservoir containing a solvent that dissolves the matrix material upon contact over a time period of a few tens of seconds and a few hours. None of these references anticipate or render obvious the instant invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Catherine S. Williams whose telephone number is 571-272-4970. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nicholas D. Lucchesi can be reached on 571-272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Catherine S. Williams
June 7, 2006

CATHERINE S. WILLIAMS
PRIMARY EXAMINER